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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-195644

DATE: August 22, 1980

MATTER OF: E. Breland Collier - [Travel expenses of attendant for transferred handicapped employee]

DIGEST:

Blind employee of Internal Revenue Service who was transferred from Jackson, Mississippi, to Atlanta, Georgia, claims travel expenses of attendant who accompanied him and his wife, who is also blind, on househunting trip and on permanent change of station travel. Travel expenses of attendant may be paid as necessary expenses of employee's travel since such payment is consistent with explicit congressional intent to employ the handicapped and prohibit discrimination based on physical handicap. H. W. Schulz, B-187492, May 26, 1977; John F. Collins, 56 Comp. Gen. 661 (1977).

Mr. C. J. Pellon, Chief of the Accounting Section, Southeast Region, Internal Revenue Service, requests an advance decision concerning the propriety of paying the travel expenses of an attendant who accompanied a handicapped employee on a househunting trip and on a permanent change of station move. DLG 01941

Both Mr. E. Breland Collier, the employee in question, and his wife are blind. In connection with his transfer from Jackson, Mississippi, to Atlanta, Georgia, Mr. Collier was authorized travel expenses for an attendant. The attendant, who was not a Government employee, drove the Colliers to Atlanta on both the househunting trip and the permanent change of station move. For the househunting trip Mr. Collier is now claiming per diem for the attendant at three-fourths of the rate to which he is entitled. That rate is the allowance prescribed for a spouse accompanying an employee on a househunting trip under paragraphs 2-4.3b and 2-2.2b(1)(a) of the Federal Travel Regulations (FPMR-101-7 (1973)). He is also claiming a per diem

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allowance of \$12 incident to the permanent change of station travel (\$6 for the trip to Atlanta and \$6 for the return trip). In connection with the househunting trip and the permanent change of station trip Mr. Collier is seeking reimbursement for mileage at the rate payable for three occupants in a car. For the attendant's return from Atlanta to Jackson, following the change of station trip Mr. Collier has requested reimbursement at the rate allowed for one occupant of the car.

In our decisions, H. W. Schulz, B-187492, May 26, 1977, and John F. Collins, 56 Comp. Gen. 661 (1977), we held that when an agency determines that a handicapped employee, who is unable to travel without an attendant, should perform official travel, the travel expenses of an attendant, including per diem and transportation expenses, may be paid. The travel involved in those cases was temporary duty travel, and Mr. Pellon has asked whether these decisions may be applied and travel expenses paid where an attendant accompanies an employee on a permanent change of station move. We believe that the rationale of our above-cited decisions is equally applicable to travel in connection with a transfer of station.

In Collins, supra, and Schulz, supra, we pointed out that there is a commitment within the Federal Government to employ the handicapped and to prohibit discrimination because of handicap. Executive branch agencies are required by 29 U.S.C. 791 (Supp. III, 1973) to submit to the Office of Personnel Management an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals and 5 U.S.C. 7153 (1976) provides for the President to prescribe rules prohibiting, as nearly as conditions of good administration warrant, discrimination because of physical handicap in the competitive service. In Collins and Schulz we stated that requiring a handicapped employee to bear the additional expenses of an attendant might create a financial burden that could prevent the employee's travel on official business which would frustrate the above-cited Government policies with regard to employment of the physically handicapped. Neither Dr. Collins, serving without compensation on the Department of Commerce Advisory Board, nor Mr. Schulz who was serving as a

consultant to the Energy Research and Development Agency, could travel without an attendant.

Even though 5 U.S.C. 5703, which governs per diem, travel, and transportation expenses of consultants and individuals serving without pay, does not specifically provide for reimbursement of the travel expenses of a handicapped employee's attendant, we held that in light of the Government's policies towards handicapped employees, the attendant's travel expenses were payable as "necessary travel expenses" incident to the employees' travel under 5 U.S.C. 5703. In Schulz, we pointed out that in situations where an employee is on temporary duty and becomes ill to such an extent that the services of an attendant are necessary for the employee's return travel to his permanent duty station, we have permitted reimbursement for the transportation expenses of the attendant under the authority of 5 U.S.C. 5702(b). B-176128, August 30, 1972; B-174242, November 30, 1971; and B-169917, July 13, 1970.

Although Mr. Collier was traveling in connection with a permanent change of station, we see no reason to vary his or any other handicapped employee's entitlement to reimbursement for an attendant's travel according to the type of travel performed. Requiring the handicapped employee to bear the costs of an attendant for permanent duty travel could have the same adverse effect on the Government's effort to employ handicapped individuals which we pointed out in connection with our decisions concerning the reimbursement of the travel expenses of an attendant for a handicapped employee on temporary duty travel.

Also, we have allowed reimbursement for the air fare of an attendant who accompanied a transferred employee's infant child on a flight to the new duty station where airline regulations required an adult to accompany children under 2 years of age. Harold R. Jordan, B-191284, September 22, 1978.

In our decisions involving reimbursement of the travel expenses of attendants accompanying handicapped employees on temporary duty travel, it was clear that the employees in question could not travel without assistance. It was also clear in the Jordan case cited

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above that the transferred employee's child could not travel without an attendant. The same finding should be made in cases of handicapped employees who perform permanent change of station travel. In connection with its determination concerning whether such an employee requires an attendant, an agency should consider whether an employee's spouse or other family member is traveling with the employee. In such a situation, it is less likely that an employee would need an attendant. However, this should not be interpreted to require the spouse or other family member to accompany the employee. The Federal Travel Regulations clearly contemplate that the spouse and other family members may perform permanent duty travel at a different time than the time that the employee travels.

Mr. Pellon has also requested our advice concerning the method of reimbursement. Although Mr. Collier has requested per diem for his attendant on the househunting trip at three-fourths the rate to which he himself is entitled, we would have no objection to payment of the full rate. That reduced rate is prescribed by paragraph 2-2.2b(1)(a) for a spouse travelling with an employee. One of the major expenses intended to be covered by the per diem allowance is lodging. While members of the same family could share rooms and thus reduce lodging expenses, this may not be possible when an employee travels with an attendant. As a result, we feel that Mr. Collier's attendant may be paid full per diem. Likewise we believe an attendant may be paid an appropriate per diem rate, not to exceed the full per diem rate, for the time he spent on the permanent change of station travel.

In accordance with the foregoing, the travel expenses of Mr. Collier's attendant may be allowed as necessary travel expenses incident to his relocation travel. In connection with Mr. Collier's claims for reimbursement of mileage, we believe they are proper and may be paid.

Harry R. Van Cleave

For the Comptroller General
of the United States